



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Hon. Homer Garrison, Jr., Director  
Department of Public Safety  
Camp Mabry  
Austin, Texas

Dear Sir: Attention of Mr. Fred Hickman, Assistant  
Director.

Opinion No. O-1969

Re: Should a travel bureau vehicle, hauling passengers for hire, be charged for the motor bus license and the seating tax as provided in Sections 6 and 8a, H. B. 6, ch. 88, p. 172, G. L., 2nd C. S., 41st Leg.?

We are in receipt of your letter of recent date, requesting the opinion of this department, touching the above question.

Section (n) of Article 6575a-1, Vernon's Annotated Civil Statutes (Acts 1929, 41st Leg., 2nd C. S., p. 172, ch. 88, §1), defines a "motor bus" as follows:

"Motor bus shall include every vehicle except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated cities and/or towns and/or villages for compensation (or hire) whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and/or towns or suburban additions to such town."

Section 8a of this Act prescribes the annual license fees for the registration of motor buses.

The first paragraph of your letter reads as

Hon. Homer Garrison, Jr., Page 2

follows:

"In view of the fact that we are having a number of complaints about travel bureau automobiles operating without regulation or responsibility and carrying passengers for hire between incorporated towns and cities, we are asking that you please give us an opinion on whether or not a travel bureau vehicle, hauling passengers for hire, should be charged for the motor bus license and the seating tax as provided in Sections 6 and 8a of House Bill 6, Chap. 28, p. 172, General Laws, Second Called Session, Forty-first Legislature."

The question as submitted is hypothetical to a great extent, to which we are unable to give a categorical answer. Manifestly, it is a question of fact as to whether a travel bureau, or any individual, firm or corporation, operates motor vehicles within the purview of the above statute. Certainly if a motor vehicle is operated by a travel bureau in transporting persons in the manner set out in the statute for compensation or hire, whether over fixed routes or otherwise, it should be charged for the motor bus license as provided in the above act. It will likewise be subject to other regulatory statutes pertaining to the operation of motor vehicles in such manner. The facts alone can resolve the question.

We will gladly render you a full opinion touching the matter if you desire to submit to us additional facts pertaining thereto.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

*Zollie C. Steakley*  
Zollie C. Steakley  
Assistant

ZCS:AW

APPROVED FEB 23, 1940

*Gen. Mann*  
ATTORNEY GENERAL OF TEXAS

